

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARL A. ORNER	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE	:	NO. 10-3083

ORDER

AND NOW, this 6th day of December, 2011, upon careful and independent consideration of plaintiff Carl A. Orner's brief and statement of issues in support of request for review (docket entry # 9), defendant Michael J. Astrue's response thereto (docket entry # 10), the Honorable Elizabeth T. Hey's report and recommendation (docket entry # 13), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Magistrate Judge Hey that the Administrative Law Judge did not fulfill his duty to develop the record in this pro se proceeding by failing to (1) obtain missing medical records, (2) clarify existing medical records, and (3) develop the record with respect to plaintiff's mental health impairment, it is hereby ORDERED that:

1. The Clerk of Court shall TRANSFER this case from our Civil Suspense docket to our Active Docket;

2. Magistrate Judge Hey's report and recommendation (docket entry # 13) is APPROVED and ADOPTED;

3. Plaintiff's request for review (docket entry # 9)  
is GRANTED IN PART;

4. This case is REMANDED to the Commissioner pursuant  
to the fourth sentence of 42 U.S.C. § 405(g) for further  
proceedings consistent with Magistrate Hey's report and  
recommendation; and

5. The Clerk of Court shall CLOSE this case  
statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.